

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**AMANDA ARNOLD,
Plaintiff,**

Civil Action No.: 17-10432-DJC

VS.

**THE WOODS HOLE, MARTHA'S
VINEYARD AND NANTUCKET
STEAMSHIP AUTHORITY,
Defendant.**

**DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF
OTHER INCIDENTS ON HEARSAY GROUNDS (F.R.E. 801)**

Now comes the Defendant, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, in the above-entitled action, by and through its counsel of record, Clinton & Muzyka, P.C., and hereby submits its Motion *In Limine* to Preclude Evidence of Other Incidents on Hearsay Grounds (F.R.E. 801).

Plaintiff alleges that on September 30, 2016 she broke her right ring and middle fingers when she placed them between the door and hinge side jamb onboard the M/V EAGLE. Plaintiff seeks to admit evidence of other incidents on this vessel to show notice and opportunity to cure. Plaintiff should not be allowed to do this because the prior incidents are irrelevant under F.R.E. 401 and will be unfairly prejudicial and confusing even if relevant under F.R.E. 403. Accordingly, Defendant has moved to exclude this evidence on relevance grounds.¹

In the alternative, and if the Court is going to admit evidence of prior incidents, Defendant moves to exclude evidence of prior incident reports and any other out of

¹ See Motion *In Limine* to Preclude Evidence of Prior Incidents on Relevance Grounds of even date herewith.

court statement offered for the truth of the matter on the grounds that it is inadmissible hearsay pursuant to F.R.E. 801.

WHEREFORE, Defendant, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, prays that this Honorable Court grant the foregoing Motion and Exclude Evidence of Prior Incidents as Hearsay, and preclude the admission of all incident reports and any other hearsay evidence of prior injury.

Respectfully submitted,

By its attorney,
CLINTON & MUZYKA, P.C.

/s/ Olaf Aprans

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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.2, I hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 17, 2018.

“/s/ Olaf Aprans”
Olaf Aprans